



TESTIMONY REGARDING S.B. 600
FLORIDA STATE SENATE
APRIL 15, 2013

Project Vote appreciates this opportunity to express its concern with the amendment regarding voter assistance recently added to SB 600 by committee substitute. Project Vote previously submitted testimony regarding earlier versions of this bill.

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure constituencies can register, vote, and cast ballots that count.

The new version of S.B. 600 states that that voters who are receiving assistance because of blindness, disability, or inability to read would now be entitled to do only “so long as the person is known to the elector before election day.” SB600(C3) § 5 (amending Fla. Stat. § 101.051). In addition, under the bill, an individual could only assist up to ten voters. SB600(C3) § 2 (amending Fla. Stat. § 97.061). These same voters requiring assistance are covered by Section 208 of the federal Voting Rights Act, 42 U.S.C. § 1973aa-6, which reads:

Any voter who requires assistance to vote **by reason of blindness, disability, or inability to read or write** may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union. (emphasis added).

Florida’s existing statutes regarding assistance specifically refer to “[a]ny elector applying to vote in any election who requires assistance to vote by reason of blindness, disability, or inability to read or write.” Fla. Stat. § 101.051. This language, in its current form, is identical to that in federal law. Florida Statute Section 97.061, which also would be amended by the new version of SB 600, refers to individuals who are “unable to read or write or who, because of some disability, need assistance in voting.” Section 208 of the Voting Rights Act does not say that the person has to be “known to the elector” before Election Day.

Project Vote is concerned that under the new amendment, voters who need assistance will be unable to obtain the help they need to cast their ballots. Project Vote is a member of the Election Protection Coalition, which provides nonpartisan information and help to voters nationwide, including in Florida. As part of its mission, the Election Protection program collects information regarding election administration problems. The

complaints received in Florida in 2012 included numerous issues involving voters who were unable or found it difficult to receive the assistance they needed. Under existing law, some poll-workers were already confused regarding voters' right to seek assistance.

It further appears that language in the Florida statutes currently meant to implement the Voting Rights Act in Florida would be changed by SB600 in a manner that would conflict with federal law. This raises a significant likelihood that Florida's new election law would become entangled in litigation. Such an outcome would raise a very real risk of delay or failure as legislators attempt this session to enact positive changes in the wake of Florida's notorious 2012 election experience.

Instead, Florida's legislators should move forward with the following goals in mind:

- *Focus on the opportunity for positive change.* Passing changes with the potential for litigation takes the focus away from the unique opportunity Florida's legislators have to learn from and reverse the problems Florida experienced in 2012.
- *End Florida's history of miring its election changes in litigation.* Unfortunately, Florida's changes to election law have resulted in uncertainty and last-minute changes for election administrators and voters. Reducing potential litigation would also save the state time and money.
- *Limit already-existing confusion over voter assistance.* Poll-workers and others can already be confused by the existing rules regarding assistance to voters. Additional changes and limitations threaten to add to the confusion. Such confusion while a voter is waiting to cast a ballot only exacerbates long lines at the polls.

In sum, Project Vote believes that the proper focus for the Florida legislators' election reform efforts is to make improvements to the voting process that create opportunities for Florida to move beyond its history of election problems, and open a new door for Floridians.